

**MINUTES OF THE STANDING COMMITTEE
ON LOCAL GOVERNMENT AND URBAN POLICY**

Wednesday, May 11, 2005

2:50 p.m.

Room 307, House Office Building

Chair Stakoe called the Standing Committee on Local Government and Urban Policy to order.

MEMBERS PRESENT: Reps. Stakoe, Elsenheimer, Van Regenmorter, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Accavitti, Donigan, Vagnozzi (11/11)

MEMBERS ABSENT/EXCUSED: None (0/11)

Representative Vagnozzi, supported by **Representative Robertson**, moved to adopt the minutes from the meeting held on **April 27, 2005**. Hearing no objection, the **motion prevailed** with unanimous consent.

Chair Stakoe laid **House Bill 4133** before the committee.

HB 4133 Mortimer	Civil procedure; service of process; prohibition of process service on Sunday and election day; repeal.
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Representative Mortimer explained the intent of the bill and a proposed **Substitute (H-2)**.

Jeff Kirkpatrick, representing the Court Officers and Deputy Sheriffs' Association, testified in **support** of the bill and answered questions.

Representative Nitz, supported by **Representative Robertson**, moved to adopt **Substitute (H-2)** to **House Bill 4133**.

FAVORABLE ROLL CALL:

YEAS: Reps. Stakoe, Elsenheimer, Robertson, Nitz, Schuitmaker, Accavitti (6/11)

NAYS: Reps. Van Regenmorter, Vagnozzi (2/11)

PASS: Reps. Baxter, Tobocman, Donigan (3/11)

A sufficient number of members voting in the affirmative, the **motion prevailed**.

Representative Accavitti, supported by **Representative Tobocman**, moved to adopt the following amendment to **House Bill 4133 (H-2)**:

1. Amend page 2, following line 3, by inserting:

“(2) CIVIL PROCESS SHALL NOT BE SERVED OR EXECUTED ON SUNDAY ON A MEMBER OF THE CLERGY WHILE HE OR SHE IS ADDRESSING HIS OR HER CONGREGATION OR ORGANIZATION. HOWEVER, IF SUFFICIENT CAUSE IS SHOWN BY AFFIDAVIT TO THE SATISFACTION OF A JUDGE OF ANY CIRCUIT, THAT JUDGE MAY ISSUE A RESTRAINING ORDER OR AUTHORIZE THE ISSUANCE OF AND SERVICE OR EXECUTION OF A WRIT ON A MEMBER OF THE CLERGY AT ANY TIME. AS USED IN THIS SUBSECTION, “MEMBER OF THE CLERGY” MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.622.”.

UNFAVORABLE ROLL CALL:

YEAS: Reps. Stakoe, Elsenheimer, Accavitti (3/11)

NAYS: Reps. Van Regenmorter, Robertson, Nitz, Schuitmaker, Vagnozzi (5/11)

PASS: Reps. Baxter, Tobocman, Donigan (3/11)

An insufficient number of members voting in the affirmative, the **motion did not prevail**.

Representative Robertson, supported by **Representative Schuitmaker**, moved to report **House Bill 4133**, with recommendation, as **Substitute (H-2)**.

FAVORABLE ROLL CALL:

YEAS: Reps. Stakoe, Elsenheimer, Robertson, Schuitmaker, Tobocman, Donigan (6/11)

NAYS: Reps. Van Regenmorter, Nitz, Vagnozzi (3/11)

PASS: Reps. Baxter, Accavitti (2/11)

A sufficient number of members voting in the affirmative, the **motion prevailed**.

The **Chair** laid **House Bill 4729** before the committee.

HB 4729 Tobocman Property; land sales; municipal employees to purchase land in cities inventory; allow.

Representative Tobocman explained the intent of the bill.

Amru Meah, representing the City of Detroit, testified in **support** of the bill.

Mike Taylor, representing the City of Detroit, submitted a testimony card in **support** of the bill, but did not wish to speak.

There being no further business to come before the committee, the **Chair** declared the meeting adjourned, the time being **3:27 p.m.**

Representative John Stakoe, Chair

Jean Hamelin, Committee Clerk
(517) 373-5632